

ESTTA Tracking number: **ESTTA450922**Filing date: **01/12/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Haggen, Inc.		
Entity	Corporation	Citizenship	Washington
Address	2211 Rimland Drive Bellingham, WA 98226 UNITED STATES		

Attorney information	Christopher D. Erickson Tonkon Torp LLP 888 SW Fifth Avenue 1600 Pioneer Tower Portland, OR 97204 UNITED STATES lisa.gabel@tonkon.com Phone:503-221-1440
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**Registration Subject to Cancellation**

Registration No	1816290	Registration date	01/11/1994
Registrant	TIDYMAN'S MANAGEMENT SERVICES, INC. 17515 E. APPLEWAY GREENACRES, WA 99016 UNITED STATES		

**Goods/Services Subject to Cancellation**Class 042. First Use: 1992/11/20 First Use In Commerce: 1992/11/20  
All goods and services in the class are cancelled, namely: supermarket services**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	PETITION FOR CANCELLATION.pdf ( 3 pages )(118890 bytes )
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**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christopher D. Erickson/
Name	Christopher D. Erickson
Date	01/12/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Trademark Registration No. 1816290  
Mark: NORTHWEST FRESH  
Registration Date: January 11, 1994

Haggen, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.:
	)	
Tidyman's Management Services, Inc.,	)	
	)	
Respondent.	)	

**PETITION FOR CANCELLATION**

Haggen, Inc., a Washington corporation ("Petitioner"), with an address of 2211 Rimland Drive, Bellingham, Washington 98226, has been, and believes it will continue to be, damaged by the continued registration of the mark NORTHWEST FRESH, as shown in U.S. Trademark Registration No. 1816290 ("Respondent's Registration") and hereby seeks cancellation of Respondent's Registration.

Upon information and belief, the owner of Respondent's Registration is Tidyman's Management Services, Inc., a Washington corporation ("Respondent"), with an address of 17515 E. Appleway, Greenacres, Washington 99016.

The grounds for cancellation are as follows:

1. On July 29, 2011, Petitioner filed U.S. Trademark Application No. 85384653 ("Petitioner's Application"), for the mark NORTHWEST FRESH in Class 35, for "Retail grocery store services; retail pharmacy and drug store services; retail bakery; retail delicatessen; retail shop featuring flowers; retail store services featuring a wide variety of packaged, prepared and fresh food and beverages."
2. On November 28, 2011, the USPTO Examiner refused registration of Petitioner's Application, in part on the grounds that the mark covered by Petitioner's Application was likely to cause confusion with the mark covered by Respondent's Registration, which covers "supermarket services" in Class 42.
3. Pursuant to 15 U.S.C. § 1127, a mark will be deemed abandoned when its use

has been discontinued with an intent not to resume such use. Intent not to resume may be inferred from circumstances, and nonuse of a mark for three (3) consecutive years will be prima facie evidence of abandonment.

4. Upon information and belief, Respondent has discontinued use of the mark NORTHWEST FRESH.

5. Upon information and belief, Respondent expressed intent not to resume use of the mark NORTHWEST FRESH.

6. Upon information and belief, Respondent has not used the mark NORTHWEST FRESH in commerce on or in connection with supermarket services, or otherwise, for at least three (3) consecutive years.

7. Upon information and belief, Respondent has abandoned use of the NORTHWEST FRESH mark in the United States.

8. Based on the foregoing, Respondent's mark NORTHWEST FRESH is deemed to be abandoned, and Petitioner respectfully requests that Respondent's Registration be cancelled due to abandonment pursuant to 15 U.S.C. § 1064.

9. Based on the foregoing, Petitioner believes that it is being damaged, and will continue to be damaged, by Respondent's Registration, and Petitioner respectfully requests that this Petition for Cancellation be granted in favor of Petitioner, and that Respondent's Registration be cancelled.

The filing fee of this Petition for Cancellation, in the amount of \$300, is submitted herewith, and this Petition for Cancellation is being filed electronically via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals ("ESTTA").

DATED: January 12, 2012

Respectfully submitted,



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Christopher D. Erickson  
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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing Petition for Cancellation was served on the Respondent on the date indicated below by depositing the same in first class mail to the Respondent at the correspondence address of record in the USPTO, pursuant to 37 C.F.R. § 2.111(b):

Tidyman's Management Services, Inc.  
c/o George G. Gringel  
Wells St. John P.S.  
601 W. 1st Ave., Suite 1300  
Spokane, WA 99201-3828

The undersigned further certifies that the aforementioned Petition for Cancellation was filed with the Trademark Trial and Appeal Board, online through ESTTA, on the date indicated below.

Dated: January 12, 2012.



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Christopher Erickson